



FREMONT PLANNING BOARD

December 3, 2008

Meeting Minutes

Approved January 21, 2009

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Member John (Jack) Downing, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.
Member Salvatore Angelone joined the meeting at 8:35 pm.

The following discussion relative to Iron Wheel took place prior to the meeting and is recorded as general conversation.

TOM WATERS/IRON WHEEL

Map 2 Lot 106

Present: Owner Tom Waters and representing Attorney Sharon Somers.

At 7:30 pm Mr. Waters and his Attorney Sharon Somers came in to discuss the current scale and scope of operations at his property.

Mr. Barham related that although Mr. Waters had a 7:30 pm appointment with the Board he apologized that a fourth Member has been delayed and there will not be a quorum of the Board present until about 8:15. They accepted Mr. Barham's offer to sit and discuss the property with the Members present to decide if they will file an Excavation and/or Site Plan Review application due to what has been deemed as commercial activity on Mr. Water's property.

Mr. Roy stated that he has been to the property and, while he noticed nothing of specific concern as to the operational standards, it appears that there is commercial activity. Mr. Waters said twice that he has been hauling off this commercial site for years and is doing nothing different now. It was noted that: 1) There are recent complaints logged to the Fremont Police Department relating to through trucking on Bean Road lodged against Iron Wheel vehicles that commercial hauling of material into and off the site is taking place on a continuous basis. 2) There is a recent "Cease and Desist" order filed with the Court on behalf of the Town of Fremont for violations of the Towns Excavation and Site Plan Review Regulations. 3) The Fremont Site Plan Review Regulations require that "the development and/or construction of any non-residential use and/or venture with a commercial purpose" is subject to Site Plan Review and approval. 4) The Excavation Regulations require a permit for any excavation with the exception of 1,000 cu if it's incidental to construction or alteration of a building or structure or the construction or alteration of a parking lot or way.

Mr. Waters stated that activities including haying and screening of loam have occurred on the site for a number of years. He said that he trucks in material to mix with the hay and loam to produce an EPA –approved compost mix which he trucks off the property and sells. Mr. Waters said the he has also planted a number of trees on the property, he considers all of the activities on the property to be agricultural and he denied having a commercial gravel operation. Atty. Somers showed; 1) a copy of RSA 674:32-b and 21:34-a pertaining to agriculture and agricultural uses of land; 2) several pictures of the property taken in April, 2008 that showed piles of loam, a landing with a large conveyor, loading equipment and large cement blocks, what looks like a stump storage area; 3) plan #D-17651 that was recorded on February 24, 1988 for then owner Donald and Virginia Duston. The plan showed the entire 72 acre property as it appeared at that time including wetland delineations and the location of the Exeter River. (Mr. Waters purchased the property in 1994). A 2.75 acre area was hand-drawn on the plan which Mr. Waters said is the area of activity on the property at this time.

The Site Plan Review process was briefly discussed. Atty. Somers voiced concern relative to studies that might be required and she asked if the Planning Board seeks comments from the Conservation Commission and was told that they do. She said that she and Mr. Waters will discuss tonight's conversation and decide if they will submit an Excavation and/or Site Plan Review application.

Mr. Waters and Atty. Somers left at 8:05 pm.

Mr. Barham opened the meeting at 8:35 pm.

MINUTES

The minutes of the November 19, 2008 meeting were not addressed as there were not enough Members present who were at that meeting. They will be addressed at the next meeting.

INCLUSIONARY HOUSING ORDINANCE

Mr. West said that the CTAP application for \$5,000 for funding for assistance to create an Inclusionary Housing Ordinance has been submitted.

PF NOMINEE TRUST, PHILIP FOGARTY TRUSTEE VOLUNTARY LOT MERGER

Map 7 Lot 098

Mr. Barham reported that the Voluntary Lot Merger form for property located at Map 7 Lot 098 from owner Philip Fogarty, trustee of PF Nominee Trust has been signed by the Selectmen and sent to the Rockingham Registry of Deeds for recording.

BUDGET

The Board received and reviewed the P&Z General Leger expenditure report for the date ending November 25, 2008.

ENERGY

From the Energy Committee

Mrs. Bolduc reported that Selectman Gene Cordes sent an e-mail message as a follow-up to a previous request from the Energy Committee of David West. In his message Mr. Cordes related that the Energy Committee needs to understand what if anything they can count on Mr. West for as it is viewed as time sensitive and critical given the date. His questions were as follows:

1. What research has he done regarding communities that have passed a warrant article for tax assessment exemptions for certain energy improvements as allowed under the RSA. If he has researched this what has he found? If he has not does he will be believe he can be of any assistance or should we look to other potential resources?

2. Has he been able to look into the energy grants that we gave him the flyer on or perhaps came from him? If so is this something he can help with and if so in what capacity and when?

3. Has he or the planning board been able to look into potential ordinances or exception process that would allow for certain code changes or relief that might otherwise restrict energy improvements to property such as the installation of solar panels and the erection of a wind turbine?

Mr. Cordes also related that Energy Committee Chairman Bob Larson wants to follow-up about "green and energy efficiency" being in the Master Plan.

In answer to that message Mr. West stated that he could do work for the Energy Committee, but only if directed by the Planning Board and this would use some of the contracted time/money allotted to the Planning Board.

Mr. West also said that he contacted Eric Steltzer, an energy policy analyst for the Office of Energy and Planning who sent this link to a page on OEP's website that has information on the communities that have adopted a Renewable Energy Property Tax Exemption.

<http://www.nh.gov/oep/programs/energy/RenewableEnergyIncentives.htm#local>

Mr. Steltzer advised that whoever is doing the work check with the Town Assessor first as some assessors do not assess a value for renewable energy products (Solar/wind) and if you pass the exception, then you are just creating paperwork to solve a problem that does not exist. Mr. Steltzer is happy to answer questions for local energy committees.

Mr. West said that four energy grants were already awarded from the RPC and the products that will be created for these communities will be available for others to use as soon as they are complete. Also, two of the four communities are choosing to do an energy audit of a municipal building as their product. He said that he going to the training for the EPA software, so he can do this for the Town at some point if they wish.

Mr. West stated that he believes an Energy Chapter belongs in the Master Plan and RPC has a draft of an energy regional Master Plan Chapter that a community could use as a model for a local chapter. He would be happy to do this for the Town assuming a grant or other source of funding is available.

MASTER PLAN

Water Resource section of the Natural Resource Inventory Chapter

TARGETED BLOCK GRANT (TBG)

The 2009 RPC Targeted Block Grant (TBG) grant for the update of the Water Resource portion of the Natural Resource Inventory section of the Master Plan has been signed and forwarded to RPC.

Transportation Chapter

Mr. West said that the Transportation Chapter will be ready for the Board's review by the end of January 2009.

Land Use Chapter

The Public Hearing for the Land Use Chapter of the Master Plan is scheduled for December 17, 2008 at 7:30 pm.

Natural Hazards Mitigation Plan

The Public Hearing for the Natural Hazards Mitigation Plan Chapter of the Master Plan is scheduled for December 17, 2008 at 7:30 pm.

ZONING ORDINANCE AMENDMENTS

Mr. Barham stated that the Board has received word that the Selectmen and Town Counsel have approved the proposed amendment to Article IV Section 3-A of the Zoning Ordinance as proposed.

After careful consideration, Mr. Downing made the motion schedule a first Public Hearing for 7:30 pm on January 7, 2009 and a second Public Hearing, if it is necessary, for 7:30 pm on January 21, 2009 to consider the following proposed Amendment to Article Zoning Amendment.

Article IV Section 3-A

As it relates to Article IV Section 3 and Article XI Section E-1; where-ever a commercial use or a mixed use of residential and commercial are proposed on the same lot the minimum lot size shall be further determined in that each two thousand (2000) square feet (or any part thereof) of commercial use shall constitute a calculate-able unit for the purpose of determining the minimum lot size. The lot size minimum is as determined by Article IV Section 3 and/or Article XI Section E-1; whichever applies.

Examples:

The minimum lot size for consideration of commercial Conditional Use Permit in the Flexible Use District would be two (2) acres or if in the Aquifer Protection District the minimum lot size for a commercial conditional use permit would be three (3) acres.

A proposed 10,000 sq ft commercial

A 10,000 square foot commercial use outside of the Aquifer District would require at total of 4.3 acres. Calculation: $10,000/2000 = 5$ units and minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

A proposed 4000 square foot mixed use w/3 residential

A mixed use 4,000 square foot commercial with 3 residential 2 bedroom dwelling units.

The lot is outside the Aquifer. Calculation: $4,000/2000 = 2$ plus 3 dwelling units = 5 calculate-able units and the minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

(See also Article XI Section E-1)

The motion was seconded by Mr. Karcz with unanimous favorable vote.

GOVERNOR'S FOREST

Map 3 Lot 002

Mr. Barham reported that the Board has received a copy of a November 20, 2008 Cease and Desist notice from the Selectmen to Martin Ferwerda for Governor's Forest. This prompted a discussion relative to some of the events of the Governor's Forest project.

SUBDIVISION REGULATIONS

The Board discussed the following verbiage which could be included on the first page of a subdivision plan (and the mylar) to be recorded: *Subdivision Approval: Whether or not otherwise expressly recited on this subdivision plan, the subdivision approval granted is conditioned on faithful and diligent adherence by the owner/subdivider/developer of all terms, conditions, provisions, and specifications of the Town of Fremont Land Subdivision Regulations, as amended or as may later be amended, in effect on the date of approval unless or except insofar as expressly waived in any particular. Any variation from the approved plan will require a resubmission from subdivision approval.*

The Board agreed to add this to the list of next Subdivision amendments.

CORRESPONDENCES

1. Notice of the December 10, 2008 Holiday Gathering for community volunteers, employees and board members.

Mr. Karcz made the motion to adjourn at 9:10 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary